

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

JOHNNY MALONE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-04-435-M
)	
ERIC FRANKLIN, Warden, et al.,)	
)	
Defendants.)	


ORDER

On July 25, 2005, United States Magistrate Judge Doyle W. Argo issued a Report and Recommendation [docket no. 44] in this action brought pursuant to 42 U.S.C. § 1983. Magistrate Judge Argo recommends that this Court grant Defendants' Motion for Summary Judgment [docket no. 42]. The parties were advised of their right to object to the Report and Recommendation by August 15, 2005. Plaintiff timely filed an objection.

The Court has carefully reviewed this matter *de novo*. The Court finds that none of the arguments raised in Plaintiff's objection warrants discussion, and agrees with Magistrate Judge Argo's Report and Recommendation in all respects. Accordingly, the Court hereby:

- (1) ADOPTS Magistrate Judge Argo's July 25, 2005 Report and Recommendation;
- (2) GRANTS Defendants' Motion for Summary Judgment; and
- (3) ORDERS that judgment in favor of Defendants issue forthwith.

IT IS SO ORDERED this 19th day of August, 2005.


VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE